

REMARKS

Applicants have carefully reviewed the Office Action mailed on March 8, 2006. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. Claims 13 and 43 have been amended. Claims 13-29 and 31-43 are pending. Reconsideration and withdrawal of the rejections is respectfully requested.

Applicants thank the Examiner for withdrawing the restriction requirement and examining all pending claims.

Claim 43 is rejected under 35 U.S.C. § 102(e) as being anticipated by Khosravi (US 6,361,546). Claim 43, as amended, recites:

43. A distal protection system comprising:
a filter cartridge with a distal region and a proximal region, the proximal region comprising a first engagement member shaped and configured to engage a retrieval device; and
a retrieval device, wherein the retrieval device has proximal and distal ends and wherein the retrieval device distal end comprises a second engagement member that is shaped and configured to engage the first engagement member on the filter cartridge proximal region.

Emphasis added. Khosravi does not appear to teach such a system. Khosravi teaches a filter 10 having a proximal region 21 that does not appear to have any structure shaped and configured to engage a retrieval device, as is recited in amended claim 43. See column 3, line 66 through column 4, line 2 and FIG. 1. Khosravi thus does not appear to teach each and every element of claim 43. Additionally, there is no motivation, suggestion, or guidance for one of ordinary skill in the art to modify the device of Khosravi to achieve the instant invention. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 13-29 and 31-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Khosravi. The Examiner acknowledges that Khosravi fails to teach the presence of ridges to further prevent the cartridge moving distally beyond a capture means or an increased coefficient of friction on an outer surface region of the proximal region of the filter cartridge. However, the Examiner asserts that it is known in the art that ridge or ridges/flanges enhance the prevention of the movement of one member sliding relatively to the other or increasing coefficient of friction on a captured surface or capture means surface would enhance the prevention of movement of the captured member relative the capturing member. The Examiner then asserts that it would have been obvious to employ flanges/ridges into or to

modify the cartridge surface or cuff surface of Khosravi to enhance the prevention of the cartridge moving relative to the retrieval catheter. The Examiner also acknowledges that Khosravi fails to teach a radiopaque band on the proximal region and/or radiopaque band proximate to the inflatable, but asserts that this is also well known in the art.

The Examiner appears to be taking Official Notice regarding the use of ridges and an increased coefficient of friction on an outer surface of the proximal region of a filter cartridge, and with respect to the use of radiopaque bands proximate an inflatable cuff. Applicants submit that the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. Per MPEP 2144.03(C), Applicants respectfully traverse the taking of Official Notice and request the Examiner provide documentary evidence in the next office action if the rejection is maintained. Khosravi do not teach or suggest the elements of the claims. Reconsideration and withdrawal of the rejection is respectfully requested.

Reexamination and reconsideration of the claims of the present application is respectfully requested. It is submitted that the claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

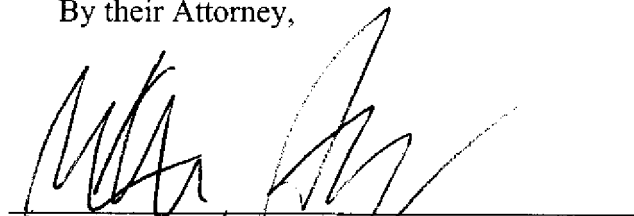
Respectfully submitted,

ANTHONY C. VRBA ET AL.

By their Attorney,

Date:

May 22, 2006



Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Tel: (612) 677-9050